

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOLLY MARIE PATTERSON,

Petitioner,

Case No: 12-15658  
Hon. Victoria A. Roberts

vs

MILLICENT WARREN,

Respondent.

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**ORDER**

In it's Opinion and Order Denying the Petition for Habeas Corpus and Bond [doc 26], this Court also denied a Certificate of Appealability. For the same reasons stated in that opinion, the recent Motion for Certificate of Appealability filed by Patterson is DENIED.

Paterson also filed a Motion for Leave to Proceed *in forma pauperis*. The standard for granting an application for leave to proceed *in forma pauperis* (IFP) is a lower standard than the standard for certifications of appealability. See *Foster v. Ludwick* 208 F. Supp. 2<sup>nd</sup> 750, 764 (E.D. Mich 2002). A certificate of appealability may only be granted if petitioner makes a substantial showing of the denial of a constitutional right, but a court may grant IFP status if it finds that an appeal is being taken in good faith. *Id.* At 764-65; 28 U.S.C. § 1915(a)(3); Fed. R. App. 24 (a). "Good faith" requires a showing that the issues raised are not frivolous; it does not require a showing of probable success on the merits. *Foster*, 208 F. Supp. 2d at 765.

Although jurists of reason would not debate this Court's resolution of Petitioner's

claims, the issues are not frivolous; therefore, an appeal could be taken in good faith and Petitioner may proceed *in forma pauperis* on appeal. *Id.*

IT IS ORDERED.

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: October 28, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on October 28, 2014.

s/Carol A. Pinegar  
Deputy Clerk